

**REMARKS**

Claims 20-25 and 27 are pending. Claim 26 has been cancelled without prejudice or disclaimer.

**I. Information Disclosure Statement**

The Office Action notes that although an Information Disclosure Statement has been filed by Applicant, some of the references identified therein were not considered, as copies of the non-patent literature were not provided. However, under 37 CFR § 1.98(d), because each of the references listed on the PTO Form-1449 filed January 22, 2004 “are of record in the parent application,” copies of the references need not be provided. If, however, the Examiner requests copies of any of the non-patent literature cited in the IDS, Applicant may be able to provide courtesy copies.

**II. Specification**

The Specification stands objected to for a variety of formal matters. Initially, it appears that the Examiner has failed to fully consider the Preliminary Amendment, filed January 22, 2004 and provided to the Examiner a second time, attached to the Response to Office Action of July 21, 2004. In the Preliminary Amendment, the Specification was amended to include each of the allegedly missing section headings. Reconsideration is respectfully requested.

The Specification has also been amended to change the word “form” to “from” on page 1, as suggested by the Examiner.

**III. 35 USC § 112**

Claim 22 stands rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, claim 22 has been amended to clarify that either the tongue or the groove (or both) is glued to the core of its board.

Claim 27 stands rejected as failing to limit the claim from which it depends. However, as claim 27 has a narrower scope than (former, now-cancelled) claim 26 (now claim 1), reconsideration is requested. Specifically, (former) claim 26 recited “at least one of the tongue and groove . . .” while claim 27 recites “at least the groove . . .” While the Examiner is correct that “if the groove of claim 26 comprises both milled and broached portions, then claim 27 is merely a duplicate of claim 26,” but claim 26 is not limited to such a condition. To infringe claim 26, one would need bill and broach either the tongue or groove. Thus, milling and broaching the tongue would be an infringement of claim 26. However, to infringe claim 27, one must mill and broach the groove. Thus, claim 27 is narrower, thereby further limiting the claim for which it depends.

IV. 35 USC § 102

Claims 20-22, 24 and 25 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Serino et al. (U.S. Patent No. 6,357,197). The Office Action asserts that Serino et al. teaches each feature recited by the rejected claims.

Claims 20, 21, 23 and 25 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Martensson et al. (U.S. Patent No. 6,421,970). The Office Action asserts that Martensson et al. teaches each feature recited by the rejected claims.

However, as claim 20 (from which claims 21, 22, 24 and 25 depend) has been amended to include the features recited by claim 26, Applicant respectfully presents that these rejections are moot.

V. 35 USC § 103

Claim 23 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Serino et al. in view of Martensson et al. As claim 23 (as being dependent upon claim 2) now include the features recited by claim 26, Applicant respectfully presents that this rejections are moot.

Claims 26 and 27 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Serino et al. in view of Seabra (U.S. Patent No. 4,951,391). The Office Action asserts that Serino et al. teaches each feature, except for the tongue and/or groove having both milled and broached

portions, for which purpose the secondary reference is cited. The Examiner cites Seabra allegedly to correct the deficiencies of Serino et al. However, Seabra is directed to non-analogous art and would not have been consulted by one having ordinary skill in the art to which the present invention pertains.

As noted in independent claim 20, the tongue and groove joint of the invention is one comprising a polymeric material whereas in Seabra a “hexagonally shaped broaching tool is used to form the V-shaped cut-aways 8 in gripping edge (Figs. 3 and 4)”; column 2, lines 46-48. Patentees continue at column 3, lines 4 *et seq.* “once formed a sleeve 1 is used in a tube fitting of the type shown in Fig. 2 . . . .” Thus, Seabra et al is not concerned with manufacturing tongue and groove joints of the type instantly claimed nor even of the type shown by Serino et al. Rather, as stated by Seabra, the invention relates to couplings for tubes or pipes (See, Field of the Invention, at column 1, lines 7-10), which coupling art would not have been considered by those skilled in the art (a system for forming a surface from a plurality of boards) to which the invention pertains. Moreover, there is no teaching in Seabra that the use of milling and broaching is suitable for polymeric materials as instantly claimed.

For the foregoing reasons, applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness by the proposed combination of Serino et al and Seabra in attempting to reject previous claims 26 and 27, the limitations of claim 26 having now been incorporated into independent claim 20.

With regard to the typographical error in the priority claim set forth in the original Declaration for Patent Application, submitted herewith is a Supplemental Declaration having the correct priority filing date.

For the foregoing reasons, withdrawal of all rejections and passage of the application to issue is respectfully requested.

Respectfully submitted,



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